

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

CHARLES JARROD BEVERLY

PETITIONER

V.

CIVIL ACTION NO. 3:16-CV-960-DPJ-FKB

WARDEN LARRY SHULTS AND
ATTORNEY GENERAL LORETTA LYNCH

RESPONDENTS

ORDER

This action under 28 U.S.C. § 2241 is before the Court on the Report and Recommendation [12] of Magistrate Judge F. Keith Ball. Charles Jarrod Beverly was convicted and sentenced in the United States District Court for the Northern District of Florida for drug offenses. At the time of filing, he was housed at the Federal Correctional Complex in Yazoo City, Mississippi.

The sentencing court enhanced Beverly's federal sentence based on two previous state-court convictions for drug offenses. He argues these offenses do not qualify as predicate offenses under the sentencing guidelines, so his sentence is invalid. As pointed out by Judge Ball, the proper vehicle for challenging a conviction or sentence is a motion under 28 U.S.C. § 2255 in the court of conviction, not a § 2241 action in the district of incarceration. R&R [12] at 1–2. Moreover, it appears Beverly is no longer housed in Mississippi and has failed to inform the Court of his current address. *See* Returned Mail [13]; *see also* Order [4] (warning Petitioner that his failure to keep the Court informed of his current address will result in dismissal of this case).

Accordingly, the Court finds the unopposed Report and Recommendation [12] of Judge F. Keith Ball should be adopted as the opinion of the Court. This action is dismissed with prejudice.

A separate judgment will be entered in accordance with Federal Rule of Civil Procedure

58.

SO ORDERED AND ADJUDGED this the 7th day of June, 2018.

s/ Daniel P. Jordan III
CHIEF UNITED STATES DISTRICT JUDGE